

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KNOWN LITIGATION HOLDINGS, LLC,

Plaintiff,

v.

NAVIGATORS INSURANCE CO, NAVIGATORS
MANAGEMENT (UK) LTD., CERTAIN
INTERESTED UNDERWRITERS AT LLOYD'S OF
LONDON, NEW ENGLAND CASH DISPENSING
SYSTEMS, Inc., and INTEGRATED MERCHANT
SYSTEMS, LLC,

Defendants.

Civil No. 3:12cv269 (JBA)

December 17, 2015

RULING ON MOTION FOR LEAVE TO FILE NUNC PRO TUNC

Navigators, which have already exhausted their twenty-five interrogatories limit permitted under Federal Rule of Civil Procedure 33(a)(1),¹ now seek leave [Doc. # 135] to file a second set of six additional interrogatories. Navigators offer two primary reasons for their motion.

First, Navigators seek contact information for an individual named Dean Holt who, Navigators learned through a deposition on October 13, 2015, served as President of Domestic Bank from 2008 to 2009, during which time Domestic Bank claims it first learned of the scheme to defraud perpetuated by the officers and directors of NECD/IMS.

Second, Navigators seek information about whether Domestic Bank disputes or has evidence to refute any of the allegations made by the Government in the Informations filed in the criminal prosecutions of Joseph Sarlo and Mirza Baig. Navigators assert that

¹ Rule 33(a)(1) provides that “a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).”

they asked these questions during the depositions of several witnesses, and “KLH repeatedly objected.” (Mot. for Leave at 4.) On October 13, 2015, however, counsel for Known Litigation proposed the following:

Rather than having [the witness] read [the information], if you want, this is going on for some depositions, we will be willing to entertain an interrogatory in which you then mark both of these informations as an exhibit, and we will provide with [sic] what the parties’ corporate response is as to our knowledge of the accuracy.

(Baker Dep., Ex. C to Mot. for Leave at 65.) Navigators’ counsel agreed. However, when, within thirty days of the close of discovery, Navigators propounded a second set of interrogatories asking whether Domestic Bank disputes or has evidence to refute any of the allegations made by the Government in the Informations filed in the criminal trials of Joseph Sarlo and Mirza Baig, Known Litigation objected, primarily on the grounds that Navigators had exceeded twenty-five interrogatories.

The Court finds that Navigators have set forth a reasonable basis for seeking additional interrogatories, and the additional interrogatories appear to have no onerous aspect. They are, moreover, contrary to KLH’s assertions in their responses to the interrogatories, not vague or insufficiently specific. Because the objecting party has not shown a substantive basis for its objections, it is ordered to respond to Navigators’ second set of interrogatories no later than **December 28, 2015**. Navigators’ motion [Doc. # 135] is GRANTED.

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 17th day of December, 2015.